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TESSERON, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

ELECTRONICS FOR IMAGING, INC.,

Plaintiff,

vs.

TESSERON, LTD.,

Defendant.

Case No. CV07-5534 RS

**NOTICE OF PENDENCY OF
PREVIOUSLY FILED ACTION
TRANSFER VENUE**

1 Defendant Tesseract, Ltd., ("Tesseract") hereby gives notice that an action involving
2 many of the same products, two of the same patents and all of the parties to this litigation was
3 originally filed on September 26, 2007, and is pending in the United States District Court for the
4 Northern District of Ohio, captioned *Tesseract, Ltd. v. Konica Minolta Business Solutions, U.S.A.,*
5 *Inc., et al.*, No. 1:07-cv-02947 (the "Ohio Action"). In the Ohio Action, Tesseract asserts patent-
6 infringement claims against the Plaintiff here, Electronics for Imaging, Inc. ("EFI"), and two of EFI's
7 downstream customers. EFI's request for declaratory judgment in this California action substantially
8 mirrors and is redundant of a number of Tesseract's claims against EFI for patent infringement in the
9 Ohio Action. The Complaint in the Ohio Action was originally asserted against one of EFI's
10 downstream customers for infringement of each of the patents at issue in the California action
11 relating to EFI's Digital Front Ends incorporated with Konica Minolta printing engines for variable
12 data printing. EFI commenced this action for Declaratory Judgment in response to the Ohio Action.
13 Tesseract recently amended the Ohio Action to incorporate EFI and another EFI downstream
14 customer, Ricoh, to avoid judicial waste and inconsistent results from litigating the same issues in
15 different courts simultaneously.

16 Tesseract is not subject to personal jurisdiction in California and, on December 10,
17 2007, filed a motion to dismiss on those grounds. Because of the overlapping nature of this action
18 with the Ohio Action, however, Tesseract also has alternatively moved this Court to transfer this
19 action to the Northern District of Ohio under 28 U.S.C. § 1404 in order to avoid conflicts, conserve
20 resources, and promote an efficient determination of this action.

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23 KIRKPATRICK & LOCKHART PRESTON
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25 Dated: December 11, 2007

By: 

26 Ben Bedi
27 Jon Michaelson
28 Attorneys for Defendant